

O, JS-6

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION
10

11 BRANDEN MARKELL WISE,

12 Petitioner,

13 v.

14 GISELLE MATTESON,

15
16 Respondent.
17

Case No. CV 22-4054-MEMF(AS)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRTE JUDGE [ECF
NO. 18]**

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition (ECF No. 1), all of the
19 records herein and the attached Report and Recommendation of United States Magistrate Judge
20 (ECF No. 18) to which no objections were filed. Accordingly, the Court concurs with and accepts
21 the findings and conclusions of the Magistrate Judge.¹
22
23
24

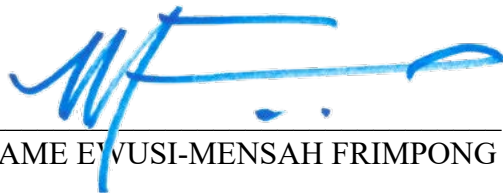
25 ¹ The Court notes that at the time the Report was issued, the only related proceedings pending in
26 state court were post-conviction state proceedings—specifically, an appeal of the trial court’s denial
27 of the section 11790.95 petition for resentencing. As of the date of this Order, the California Court
28 of Appeal has since affirmed the trial court’s decision, resolving the matter. There do not appear to
be any remaining state court proceedings. *See* California Appellate Courts Case Information,
<http://appellatecases.courtinfo.ca.gov> (last visited Mar. 26, 2023) (Case No. B320662).

1 **IT IS ORDERED** that Respondent's Motion to Dismiss be DENIED; Petitioner's Motion
2 for a Stay be GRANTED; and this case be STAYED pursuant to *Rhines v. Weber*, 544 U.S. 269
3 (2005), pending the exhaustion of Ground Two of the Petition in state court. The parties are
4 ORDERED to meet and confer and submit a joint status report on the status of Petitioner's
5 exhaustion efforts every sixty (60) days from the date of this Order.
6

7 **IT IS FURTHER ORDERED** that the Clerk serve copies of this Order and the
8 Magistrate Judge's Report and Recommendation herein on counsel for Petitioner and counsel for
9 Respondent.

10 **IT IS SO ORDERED.**

11
12
13 Dated: March 30, 2023

14 
15 _____
16 MAAME EYVUSI-MENSAH FRIMPONG
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28